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Society, FSB, as Trustee of Stanwich
Mortgage Loan Trust A*

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CAPITAL ONE, NATIONAL
ASSOCIATION, et al.,

Plaintiffs,

vs.

SFR INVESTMENTS POOL 1, LLC, et
al.,

Defendants.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LEON BENZER, et al.,

Defendants.

CAPITAL ONE, NATIONAL
ASSOCIATION, et al.,

Case No. 2:17-cv-00604-RFB-NJK

Case No. 2:17-cv-00916-RFB-NJK

**STIPULATION TO EXTEND
DISPOSITIVE MOTION DEADLINE**

**[THIRD REQUEST UNDER
CURRENT SCHEDULING ORDER]**

1 Counter-Claimants/Cross-
2 Claimants,
3 vs.
4 UNITED STATES OF AMERICA, et al.,
5 Counter-Defendants/Cross-
6 Defendants

7 Capital One, National Association (“Capital One”); Rocktop Partners, LLC
8 (“Rocktop”); Wilmington Savings Fund Society, FSB, as Trustee of Stanwich Mortgage
9 Loan Trust A (“Wilmington”); SFR Investments Pool 1, LLC (“SFR”); the United States;
10 and Anthem Country Club Community Association (“Anthem”) (collectively, the
11 “Parties”) hereby stipulate to extend the dispositive motion deadline in this matter to
12 April 30, 2020. In support of this stipulation, the Parties state as follows:

13 1. From March 2018 to May 2019, these consolidated cases were stayed
14 while the Court awaited certain case law developments and while the Parties
15 conducted a settlement conference. ECF Nos. 87-88, 91, 109-110, 127, & 136-138.
16 Ultimately, settlement negotiations were unsuccessful.

17 2. On May 24, 2019, the Court entered a new scheduling order that set a
18 discovery cutoff of August 22, 2019, a dispositive motion deadline of September 23,
19 2019, and a pretrial order deadline of October 23, 2019. ECF No. 144.

20 3. On August 19, 2019, Capital One, SFR, Anthem, and the United States
21 filed a Stipulation to Extend Discovery Cutoff, Dispositive Motion Deadline, and
22 Pretrial Order Deadline. ECF No. 162. The stipulation was based upon several
23 pending motions that would affect planned depositions. The Court partially granted
24 the stipulation by extending the dispositive motion deadline to December 23, 2019 and
25 extending the pretrial order deadline to January 22, 2020. ECF No. 169.

26 4. At the October 21, 2019 hearing, the Court ordered that Rocktop and
27 Wilmington be joined as parties because Capital One had transferred its interest in the
28

1 2005 loan involved in this matter to Rocktop and had transferred its interest in the
2 2007 loan involved in this matter to Wilmington. ECF No. 214.

3 5. On November 25, 2019 a Rule 30(b)(6) deposition of Capital One was held.
4 During the deposition, a dispute arose as to whether the witness was prepared to testify
5 about certain topics in the deposition notices issued by SFR and the United States.

6 6. To allow the Parties time to hold a second deposition, the Parties
7 requested and obtained a further extension of the dispositive motion deadline to
8 February 28, 2020. ECF Nos. 230-231.

9 7. The second deposition was held on January 15, 2020. During and after
10 the deposition, a dispute arose as to various issues, including (1) whether the witness
11 was adequately prepared to testify about certain policies and procedures of Capital
12 One; (2) whether the witness was adequately prepared to testify about certain entries
13 in Capital One's servicing records, and whether there are additional servicing records
14 that should be produced; (3) whether the desired testimony was relevant and
15 proportional to the needs of the case; and (4) the degree to which the parties had
16 previously communicated or reached agreement on these issues.

17 8. The Parties are exploring potential resolutions of this dispute, including
18 a stipulation as to relevant facts, a stipulation as to the admissibility or inadmissibility
19 of relevant documents, and a third deposition.

20 9. If the Parties are unable to resolve the dispute, they expect that a motion
21 to compel and a cross-motion for protective order will be filed.

22 10. At this time, the Parties request that the Court extend the dispositive
23 motion deadline to April 30, 2020.¹

24 11. Good cause exists for the requested extension because it will allow the
25 Parties to finish attempting to resolve their dispute, to hold any further depositions,
26 and to litigate any necessary motions in the event they cannot resolve the dispute.

27 ¹ Pursuant to LR 26-1(b)(5), if dispositive motions are filed, the joint pretrial order
28 deadline is suspended until 30 days after decision on the dispositive motions or further
court order.

Dated: February 14, 2020.

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IT IS SO ORDERED:


UNITED STATES MAGISTRATE JUDGE

DATED: February 18, 2020

CERTIFICATE OF SERVICE

I certify that on February 14, 2020, I electronically filed the foregoing **Stipulation to Extend Dispositive Motion Deadline**. The following parties will be served electronically:

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